

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

JERRY D. NICKELL, SR.,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

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CASE NO. 4:08CV319

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

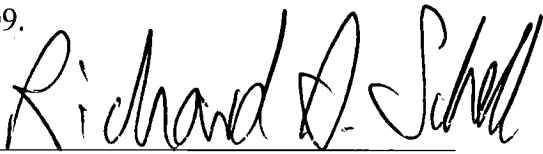
Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On April 2, 2009, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Jerry D. Nickell, Sr.'s Motion to Enjoin Proceedings in Collection Case Filed by Defendant in Western District of Texas, Midland Division (Dkt. 22) should be GRANTED and the United States of America's Motion to Stay (Dkt. 18) should be DENIED as MOOT.

The court, having made a *de novo* review of the objections raised by the United States, is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections of the United States are without merit as to the ultimate conclusion and recommendation of the Magistrate Judge. Therefore, the court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this court, and Jerry D. Nickell, Sr.'s Motion to Enjoin

Proceedings in Collection Case Filed by Defendant in Western District of Texas, Midland Division (Dkt. 22) is GRANTED and the United States of America's Motion to Stay (Dkt. 18) is DENIED as MOOT.

IT IS SO ORDERED.

SIGNED this 5th day of June, 2009.



RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE